

PROCEDURES FOR ATTORNEYS APPEARING IN BOULDER MUNICIPAL COURT

Since our procedures may vary from those for county courts and municipal courts in other jurisdictions, we are providing them for your information and guidance.

Attorneys are encouraged to file an **Entry of Appearance** at the earliest possible opportunity. For convenience, there is a PDF version of such a form on our website.

Not Guilty pleas will not be entered based on a pleading. We require a pretrial conference before accepting a Not Guilty plea entered on the record. This ensures that cases get tried within the 91-day speedy trial limit, and saves our trial dates for cases that cannot be resolved without a trial.

For many cases, the filing of an Entry of Appearance will allow an attorney to bypass the arraignment date scheduled on the Summons and set the case for a Disposition/Trial Setting. This is our court's version of a pretrial conference. It is our preference that, following the pretrial conference with the prosecutor, the case will immediately proceed to disposition before a judge, or, alternatively, the entry of a Not Guilty plea and a trial setting. Frequently, this process is facilitated by engaging in plea negotiations with a prosecutor prior to the actual Disposition/Trial Setting date, so that if a disposition is reached, it can be entered into on that date. ***The prosecution office encourages defense attorneys to call 303-441-3025 to schedule a time to discuss the case prior to the Disposition/Trial Setting date.*** This practice makes it possible for many cases to be resolved with just one appearance date. It is advisable for a defendant to accompany the attorney on that date so that a disposition, if reached, can be put on the record immediately. Continuances of Disposition/Trial Settings are granted only on a limited basis.

For some cases, the arraignment process cannot be bypassed by the entry of an attorney. This includes any general offense case in which Restorative Justice through the University of Colorado-Boulder (CURJ) is part of the disposition. CURJ staff attend court on general arraignment days, meet with CU students as a group to explain the program and the process, and schedule intake meetings with students at that time. This process is not available on Disposition/Trial Setting dates. Represented defendants who are offered CURJ as part of their dispositions will be processed before the unrepresented defendants in order to minimize the amount of time the attorney must spend at court.

Similarly, for cases in which the charge is Possession or Consumption of Alcohol or Marijuana by a Minor (MIP), the court will not allow the arraignment process to be bypassed by the entry of an attorney. We have specialized processes in place for these cases, including conducting a substance use screen, so that we can assign defendants to evidence-based treatment that is appropriate to their circumstances. This process is not available on Disposition/Trial Setting dates. Further, we group defendants by the plea bargain offer that is being made to them, which means there may be up to three distinct groups. Within each group, once the judge has advised the group regarding the applicable plea offer, represented defendants will be processed before the unrepresented defendants so as to minimize the amount of time the attorney must spend at court.

Finally, we have limited capacity to work with **out-of-state defendants** to monitor active sentence conditions such as treatment, classes, or community service. Two common options are: (1) the defendant appears for court on the date of the disposition so that they can interact with probation staff and receive guidance as to how to complete their conditions from their home state; or (2) the conditions (such as treatment and community service) are completed prior to disposition and the attorney pays any monetary amounts due on behalf of the defendant on the disposition date.